

	<b>LOS LUNAS POLICE DEPARTMENT</b>		
	OPERATIONS	NUMBER: OPR.03.01	EFFECTIVE DATE: August 13, 2010
	SUBJECT: <del>Organized Crime and Vice Control</del> Special Investigations		REVIEW DATE: May 24, 2018
	AMENDS/ SUPERSEDES:		NMSA:
NMMLEPSC STANDARDS: OPR.03.01-OPR.03.05		APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature	

## I. STATEMENT OF PURPOSE

The responsibility for vice, drugs and organized crime investigations rests with members of the Criminal Investigation section of the Police Division.

## II. DEFINITIONS

- A. Vice may involve prostitution, illegal use/sale of alcoholic beverages, and the distribution/sale of obscene and pornographic materials.
- B. Drugs: focuses on the distribution/sale of illegal and controlled substances.
- C. Organized Crime: address unlawful activities by members of organized groups or associations engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering, or other offenses for profit, or engage in supplying illegal goods and services-prostitution, drugs, liquor, weapons or other unlawful conduct that may include intimidation or corruption.

## III. PROCEDURES

- A. When information is received from any source, the information will be forwarded to the ~~Narcotics Sergeant~~

**Criminal Investigations Sergeant.** The information will be assigned to an investigator. Any investigation will be documented.

All reports on active vice, drug and organized crime investigations will be securely filed and maintained separately from central records until such a time the case is considered closed, either through an arrest or issuance of a warrant. At that time the case file will be transferred to central records.

The Chief of Police will be kept informed of any activity regarding vice, drugs or organized crime investigations.

- B. All Detectives will be trained in field testing of various suspected narcotics.
- C. The detective assigned to the case will be responsible for testing all narcotics placed into evidence.
- D. The Evidence Technician will also be responsible for conducting narcotic destructions.
- E. Information determined to be necessary for patrol operations is disseminated at patrol briefings as soon as possible.

#### **IV. Narcotics Investigations** (added May 24, 2018)

- 1. CID conducts narcotics related investigations of individuals and organizations involved in narcotics trafficking. The unit coordinates efforts among various local, state, and federal law enforcement agencies within the Village of Los Lunas and Valencia County to maximize enforcement effectiveness. The Unit investigates and apprehends individuals (and group members) who manufacture, distribute, or sell illegal drugs within the Village of Los Lunas and Valencia County.
- 2. Duties
  - a. CID addresses mid-level to street-level drug trafficking occurring in the Village of Los Lunas and Valencia County. Most high-level narcotic investigations will be referred to the Regional I Task

Force and/or U.S. Drug Enforcement Administration.

- b. CID assists other law enforcement agencies, if requested, for specific operations that come within the unit's duties and responsibilities.
  - c. Detectives are on call on a rotating basis for Field Services requests.
  - d. Detectives participate in undercover operations.
  - e. Detectives maintain Methamphetamine Lab Recognition Certification. Should the processing of a lab, and/or potential lab, be required, Detectives will contact APD Meth Lab services in connection with NM HIDTA, for assistance.
  - f. Detectives will maintain knowledge in drug awareness and testing.
  - g. Detectives will conduct operations including the purchase of narcotics (contraband) during sting operations. These operations will be completed with confidential investigations monies belonging to the Los Lunas Police Department.
  - h. Portions of the money will be signed out of the safe by the CID Sergeant on the day of the scheduled operation and documented appropriately in the current ledger which is also secured in the safe.
  - i. Any and all funds not used to pay an informant or to purchase contraband shall be returned to the CID Sergeant to be placed back into the Confidential Investigations Fund.
3. Recovered monies used to purchase narcotics by Detectives will be tagged into evidence and may be obtained post-conviction of the crime through forfeiture. Other contraband which is categorized under the NM forfeiture statute (31-27-1 through 31-27-11) may also be subject to forfeiture.
- 31-27-4. Forfeiture; conviction required; seizure of property; with process; without process.

- A. A person's property is subject to forfeiture if:
  - (1) The person was arrested for an offense to which forfeiture applies;
  - (2) The person is convicted by a criminal court of the offense; and
  - (3) The state establishes by clear and convincing evidence that the property is subject to forfeiture as provided in Subsection B of this section.
- B. Following a person's conviction for an offense to which forfeiture applies, a court may order the person to forfeit:
  - (1) Property the person acquired through commission of the offense;
  - (2) Property directly traceable to property acquired through the commission of the offense; and
  - (3) Any instrumentality the person used in the commission of the offense.
- C. Nothing in this section shall prevent property from being forfeited by the terms of a plea agreement that is approved by a court or by other agreement of the parties to a criminal proceeding.
- D. Subject to the provisions of Section 31-27-5 NMSA 1978, at any time, at the request of the state, a court may issue an ex parte preliminary order to seize property that is subject to forfeiture and for which forfeiture is sought and to provide for the custody of the property. The execution on the order to seize the property and the return of the property, if applicable, are subject to the Forfeiture Act and other applicable state laws. Before issuing an order pursuant to this subsection, the court shall make a determination that:
  - (1) There is a substantial probability that:
    - (a) The property is subject to forfeiture;
    - (b) The state will prevail on the issue of forfeiture; and
    - (c) Failure to enter the order will result in the property being destroyed, removed from the state or otherwise made unavailable for

forfeiture; and

- (2) The need to preserve the availability of the property through the entry of the requested order outweighs the hardship to the owner and other parties known to be claiming interests in the property.

E. Property subject to forfeiture may be seized at any time, without a prior court order, if:

- (1) The seizure is incident to a lawful arrest for a crime or a search lawfully conducted pursuant to a search warrant and the law enforcement officer making the arrest or executing the search has probable cause to believe the property is subject to forfeiture and that the subject of the arrest or search warrant is an owner of the property;
- (2) The property subject to seizure is the subject of a previous judgment in favor of the state; or
- (3) The law enforcement officer making the seizure has probable cause to believe the property is subject to forfeiture and that the delay occasioned by the need to obtain a court order would result in the removal or destruction of the property or otherwise frustrate the seizure.

History: Laws 2002, ch. 4, § 4; 2015, ch. 152, § 4.

4. All narcotic investigations and events are to be entered into the department's de- confliction software program. The program alerts other officers of possible operational conflicts with other known high risk events that may be scheduled in a certain geographic area.
5. All investigation progress will be documented in LLPD's reporting system. Some investigations may be restricted access to non-essential personnel until the investigation is closed.
6. The identity of detectives assigned to narcotic investigations is kept confidential from all with the exception of other Detectives within CID as well as the Chain of Command. Exceptions of the disclosure of identities may be made by the CID Sergeant when special assistance is needed from the field (i.e. traffic stops, perimeter, traffic control etc.).

#### **~~IV. SURVEILLANCE EQUIPMENT~~**

- ~~A. The Department maintains specialized equipment that can be used to support special investigations.~~**
- ~~B. Specialized equipment includes, but is not limited to:~~**
  - ~~1. Visual monitoring equipment;~~**
  - ~~2. Surveillance vehicles;~~**
  - ~~3. Audio transmitters and recorders;~~**
  - ~~4. Portable radios;~~**
- ~~C. None of this equipment is used without prior knowledge of a Detective Sergeant, with the exception of the wiretap equipment which is utilized only with the permission of the Chief of Police and in accordance with Federal guidelines.~~**
- ~~D. A sign-out log monitoring the use of any of the above listed equipment is completed. This log contains the following information (if the above items are not standard issue):~~**
  - ~~1. Case number;~~**
  - ~~2. Suspect(s) information;~~**
  - ~~3. Date and time; and~~**
  - ~~4. Investigator's name.~~**

#### **V. Vice Investigations (added May 24, 2018)**

- 1. CID investigates individuals and organizations involved in human trafficking, prostitution (and related offenses such as promotion of prostitution), illegal gambling, liquor sales violations, and narcotics-related crimes in the Village of Los Lunas and Valencia County.
- 2. Duties
  - a. CID assists other law enforcement agencies, in specific operations that fall within the unit's duties.
  - b. Detectives are on call, on a rotating basis, for Field Services requests.

- c. Detectives participates in undercover operations.
  - d. CID will maintain knowledge about human trafficking and prostitution.
  - e. CID conducts "John Operations" to target prostitution, and seize vehicles belonging to "Johns," in accordance with applicable Village ordinances/State statutes. A "John operation" is a police sting process where Detectives use decoy prostitutes and target for arrest customers or "Johns" who seek sexual services from the decoy.
- 30-9-2. Prostitution.

Prostitution consists of knowingly engaging in or offering to engage in a sexual act for hire.

As used in this section "sexual act" means sexual intercourse, cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object of the genital or anal opening of another, whether or not there is any emission.

Whoever commits prostitution is guilty of a petty misdemeanor, unless such crime is a second or subsequent conviction, in which case such person is guilty of a misdemeanor.

**History:** 1953 Comp., § 40A-9-11, enacted by Laws 1963, ch. 303, § 9-11; 1981, ch. 233, § 1; 1989, ch. 132, § 1.

- f. Recovered monies used to purchase services from, or by undercover Detectives will be tagged into evidence and may be obtained post-conviction of the crime through forfeiture. Other contraband which is categorized under the NM forfeiture statute (30-27-1 through 30-27-11) may also be subject to forfeiture.
- g. All vice investigations and events are to be entered into the department's de- confliction software program. The program alerts other officers of possible operational conflicts with other

known high risk events that may be scheduled in a certain geographic area.

3. All investigation progress will be documented in LLPD's reporting system. Some investigations may be restricted access to non-essential personnel until the investigation is closed.
4. The identity of detectives assigned to narcotic investigations is kept confidential from all with the exception of the other Detectives within CID as well as the Chain of Command. Exceptions of the disclosure of identities may be made by the CID Sergeant when special assistance is needed from the field (i.e. traffic stops, perimeter, traffic control etc.)

## **VI. SURVEILLANCE OPERATIONS**

- A. Organized surveillance operations may be conducted in the normal course of an investigation.
- B. When an investigator believes that surveillance would aid an investigation, he/she will contact his/her supervisor with all pertinent information and ~~the supervisor will then take control of any surveillance operation~~ **complete an operations plan which shall be reviewed and approved by the Criminal Investigations Sergeant.**
- C. Personnel are responsible for analyzing victims, crimes and locations to determine necessary facts to enhance the likelihood of success for the operation. Identifying and analyzing suspects may be accomplished by police reports, intelligence information, and patrol observation.
- D. Officers should familiarize themselves with the target area when possible. Items of importance could be location and type of buildings street layouts type of populations and size of the area.
- E. The following equipment should be available:
  1. Weapon(s);
  2. Handcuffs;
  3. Portable radio(s); and
  4. Police insignia.
- F. For an extended operation, the supervisor should provide an adequate relief schedule and food for officers.



## VII. UNDERCOVER OPERATIONS

- A. When undercover operations are conducted a code name or case number will be assigned to the operation for recording purposes.
- B. Informants, citizen complaints, intelligence information, patrol observations and other information sources are used to identify and analyze suspects.
- C. Undercover contacts may be made using an informant who introduces the suspect to the undercover officer. The officer can then frequent areas where the illegal activity takes place. When possible, other officers should become familiar with the neighborhood or target area before the operation takes place. No undercover officer will conduct undercover operations without a surveillance team.
- D. An officer may be provided with alias identification when necessary. The Detective Lieutenant/Sergeant maintains all records on alias identification and is responsible for let loose of any information in that regard.
- E. ~~The Detective Lieutenant/Sergeant~~ **The Detective Lieutenant, Detective Sergeant, and the Case Agent** determines what safeguards should be established for the particular operation.
- F. Department personnel should not approach, or in any way identify an undercover officer as a police officer in the event of contact.
- G. If any department employee becomes aware of an undercover operation or the identification of any officer involved, they will not discuss any information obtained unless specifically asked by a supervisor.
- H. The Detective Lieutenant/Sergeant determines the amount of supervision necessary for the operation. This decision is based on type and length of the operation number of personnel involved and experience/training of personnel.
- I. Specific operational procedures for arrests are determined by the Detective Sergeant **and the Case Agent**. This includes coordination of arrests, providing for adequate backup officers and for the collection of evidence.

- J. The District Attorney should be consulted on legal ramifications arising from the operation.
- K. During the course of an operation all records will be maintained separately from central records. A sequential numbering system will be assigned each offense in the following way:
  - 1. Last two digits of the Year;
  - 2. Initials of the name of the operation;
  - 3. Month of occurrence;
  - 4. Sequential case number.
- L. Any evidence which needs to be tagged and logged may use the above mentioned number.
- M. At the completion of the operation a block of crime report numbers is acquired from the Records section and the reports are then filed in the central records system.
- N. Prior to an undercover operation beginning, the Detective Sergeant will ensure that any undercover officer has met minimal standards of training including firearms qualifications, use of force, search and seizure, field testing of narcotics, criminal law and courtroom testimony as set by Department policy.
- O. The Detective Lieutenants/Sergeant will ensure that the Chief of Police is kept abreast of any developments by reporting such on at least a monthly basis.

## **VIII. RAID OPERATIONS**

- A. Raid operations may be defined as the execution of any search warrant, service of arrest warrants in a high risk situations or the execution of arrest warrants as the result of undercover operations. The Chief of Police will authorize the use of force in raid operations (i.e., use of tactical response team for entry).
- B. The SWAT Commander is in charge of on-scene operations and is responsible for conducting a briefing for the purpose of making position assignments and informing participants of any potential hazards, etc.

- C. Strategies for the raid should include, but not be limited to:
  - 1. Specific personnel assignments to cover all entrances and exits from the target area.
  - 2. Specific personnel assignments for the entry team and for suspect security.
  - 3. Specific information such as target address, suspect information and proper radio channel is known to all raid team members. Telecommunications will be advised of the channel which will be utilized by raid team members.
- D. All members of the entry raid team shall wear protective body armor, insignia which clearly identifies them as a police officer and a weapon. Other equipment which should be readily available includes:
  - 1. Handcuffs;
  - 2. Portable radios;
  - 3. Specialized equipment.
- E. When entry has been made, designated officers will receive specific areas to search depending on the scope of the warrant. All contraband and evidence is secured by a designated evidence officer. Search team members use reasonable care to minimize property damage.
- F. The Communications Center is made aware of the location and participants.
- G. When executing warrants in another jurisdiction, the appropriate law enforcement agency is contacted for assistance.
- H. Once the entry team announces their intent and there is no response within a reasonable amount of time or the team believes evidence is being destroyed, the team is authorized to use reasonable force to gain entry. If the suspects resist, officers are authorized to use reasonable force to protect themselves or others from death or serious injury.
- I. If an officer, suspect or other person is injured, medical aid is summoned as soon as possible. The Detective Sergeant

is notified and appropriate documentation of the incident is made.

- J. All suspects are brought to a specified area and secured by the cover team. The suspects are provided with a copy of the search warrant. Arrested persons are transported to the Valencia County Detention Facility, or other designated Detention Facility.

## **IX. MAJOR CRIME SCENE**

At a major crime scene, the following steps should, when possible, be completed to document the crime scene.

- A. Photograph the scene;
- B. Video the scene;
- C. Mark the evidence;
- D. Diagram the scene;
- E. Collect the evidence.

## **X. PHOTOGRAPHS/VIDEOGRAPHY**

- A. At a major crime scene, a search will not commence until it has been photographed. The Detective shall photograph the crime scene in a manner that produces a clear, undistorted photo that does not misrepresent or visually alter the scene in any way.
- B. When appropriate, the following photographs should be taken:
  - 1. Overview -These photographs show the scene of the crime and its surroundings and may be used to orient the court to the scene in question.
  - 2. Medium view - These photographs show specific objects and contain sufficient detail to associate them with the nature of the crime.
  - 3. Close-up view - These photographs are of individual items, the victim, results of the crime or evidence created by the criminal.

- C. Photographic procedures for each crime scene differ based on the conditions present at the scene.

The following procedures are basic and should be addressed whenever photographs are taken.

- 1. Exterior Crime Scene

- a. Establish the location of the crime scene by taking a photograph of something that is relative to the crime;
- b. medium distance photographs to record the relative positions of closely related items of evidence;
- c. Take close-up photographs of individual items of evidence (with a scale or other device, when necessary).

- 2. Interior Crime Scene

- a. Establish the location of the crime scene by taking a photograph of something that is relative to the crime;
- b. Photograph rooms and other interior areas from typical observation points to show relative positions of all items and furnishings within the area.
- c. Take medium view photographs to show relative positions of closely related items of evidence;
- d. Take close-up photographs of individual items of evidence (with a scale or other device, when necessary).

- D. Video tapes may be used to supplement still photographs. When used, the audio should be muted.
- E. Upon completion of the crime scene investigation, the film will be processed according to Department procedure, tagged and placed into evidence.
- F. Upon completion of the crime scene investigation, the

video tape should be secured to ensure the integrity of the evidence. It should be packaged according to Department procedure, tagged and placed into evidence.

## **XI. DIAGRAM**

- A. Crime scene diagrams should be preceded by crime scene photographs.
- B. The diagram should include:
  - 1. Dimensions;
  - 2. Relation of the crime scene to other buildings, geographical features and/or roads;
    - Dimensions;
    - Address;
    - Location of significant features of the scene, including the victim;
    - Date and time of preparation
    - Name of person preparing the diagram;
    - Direction of north;
    - Locations of items recovered as physical evidence;
    - If not to scale, so state;
    - Sufficient information so that a final drawing to scale can be completed if necessary.

## **XII. FINGERPRINTING**

- A. The lifting or preserving of latent fingerprints is the responsibility of the assigned patrol officer or Detective.
- B. Items containing suspected fingerprints which are not processed at the scene are packed in a protective manner and taken to the Los Lunas Police Department for processing. This decision rests with the patrol officer or Detective.
- C. Prior to being lifted fingerprints may also be photographed at the discretion of the patrol officer or Detective.

- D. The following information should be documented on the back of the latent print card:
  - 1. report number;
  - 2. date of recovery;
  - 3. initial or name of recovering patrol officer or Detective;
  - 4. location of recovery.
- E. When fingerprints are being obtained from a suspect who has no criminal history, two cards will be completed. They shall be treated as evidence, tagged and packaged accordingly. One card shall then be sent to the laboratory along with a latent for comparison with one card being maintained in evidence.
- F. Fingerprint cards on suspects who have a criminal history may be obtained through the Records Section. When possible, the original card should be sent to the laboratory along with a latent for comparison. Upon return, if the comparison was negative, the card should be returned to the Records Section. If it was positive, the card should be treated as evidence, tagged and packaged accordingly.
- G. Once a latent print has been positively identified, the information should be documented in a supplemental report and the latent print returned to evidence.

### **XIII. EVIDENCE COLLECTION**

- A. Procedures
  - 1. It is important to use crime scene search methods that:
    - a. preserve the condition of evidence in the process of collection;
    - b. prevent the introduction of foreign materials into the physical evidence;
    - c. ensure as complete a sample as possible and practical.

2. Collection of evidence is done in a systematic, organized and recorded manner. When practical, evidence found at the crime scene is processed (photographed, dusted for prints, etc.) before being moved.
3. The following evidence collection procedures are used whenever possible:
  - a. Evidence is properly tagged and identified with the required information. Each article of evidence is stored in a separate container to avoid contamination.
  - b. Collection of known or suspected hazardous materials or explosives requires the knowledge and skill of technicians specifically trained in handling hazardous materials or explosives.
    - 1) Upon the discovery of known or suspected hazardous materials or explosives, a field supervisor should be summoned by the investigating officer.
    - 2) The hazardous material or explosive response guidelines should be implemented.
4. The Detective assigned to crime scene collection ensures the proper handling of the evidence and shipment to the appropriate laboratory in a timely manner.
5. The Detective assigned the case is responsible for:
  - a. requests for laboratory processing;
  - b. proper handling and packaging of evidence;
  - c. prompt release of evidence to owner, if appropriate.
6. Any evidence shipped to the N.M.D.P.S laboratory will have a completed inventory sheet.

B. Biological Evidence



1. Biological evidence is not processed in the field. It is collected and submitted to a laboratory for analysis in a timely manner, using current and accepted procedures as required by the investigating laboratory.
2. Biological evidence requiring refrigeration is collected and transported to the proper storage area as soon as possible.
3. Items of evidence containing wet blood are air dried and packaged separately to avoid cross contamination. These items are packaged according to Evidence packaging guidelines.
4. Evidence from a known source is collected for comparison purposes along with crime scene collected evidence.
5. Comparison materials should be properly stored and submitted along with evidence from the known source.
6. If evidence is not accepted by the lab, the assigned Detective indicates the reason in a supplemental report.

C. Known Standards

1. Anytime a patrol officer or Detective collects an unidentified item or substance or an item or substance believed to be foreign to the scene, all available comparable substances and materials from known sources are collected for identification and/or elimination purposes.
2. It is possible that evidence in the form of trace materials and substances may have been transferred to the suspect during the commission of an offense and taken from the scene. Such evidence may be recovered at a later date; therefore, known standard samples of such materials and substances should be collected from crime scenes.
3. The location from which known standard samples are

taken can be critical, especially in cases where fracturing or tearing has occurred.

4. The report filed by the patrol officer or Detective should explain in detail what known standard samples were collected and the location from which they were obtained, including date and time of collection.